

## § 205.55

## 40 CFR Ch. I (7–1–10 Edition)

1971. The manufacturer bears the burden of demonstrating such equivalence.

[41 FR 15544, Apr. 13, 1976, as amended at 42 FR 61456, Dec. 5, 1977; 47 FR 57714, Dec. 28, 1982]

### § 205.55 Requirements.

#### § 205.55–1 General requirements.

(a) Every new vehicle manufactured for distribution in commerce in the United States which is subject to the standards prescribed in this subpart and not exempted in accordance with § 205.5:

(1) Shall be labeled in accordance with the requirements of § 205.55–5 of this subpart.

(2) Shall conform to the applicable noise emission standard established in § 205.52 of this regulation.

(b) The requirements of paragraph (a) apply to new products which conform to the definition of vehicles in these regulations and at the time such new products are assembled to that state of completeness in which the manufacturer distributes them in commerce.

(c) Subsequent manufacturers of a new product which conforms to the definition of vehicle in these regulations when received by them from a prior manufacturer, need not fulfill the requirements of paragraph (a)(1) where such requirements have already been complied with by a prior manufacturer.

[41 FR 15544, Apr. 13, 1976, as amended at 42 FR 61456, Dec. 5, 1977; 47 FR 57714, Dec. 28, 1982]

#### § 205.55–2 Compliance with standards.

(a)(1) Prior to distribution in commerce of vehicles of a specific configuration, the first manufacturer of such vehicles must verify such configurations in accordance with the requirements of this subpart.

(2) [Reserved]

(3) At any time following receipt of notice under this section with respect to a configuration, the Administrator may require that the manufacturer ship test vehicles to the EPA test facility in order for the Administrator to perform the tests required for production verification.

(b) The requirements for purposes of testing by the Administrator and selective enforcement auditing with regard

to each vehicle configuration consist of:

(1) Testing in accordance with § 205.54 of a vehicle selected in accordance with § 205.57–2, and

(2) Compliance of the test vehicle with the applicable standard when tested in accordance with § 205.54.

(c)(1) In lieu of testing vehicles of every configuration as described in paragraph (b) of this section, the manufacturer may elect to verify the configuration based on representative testing, the requirements of which consist of:

(i) Grouping configurations into a category where each category will be determined by a separate combination of at least the following parameters (a manufacturer may use more parameters):

(a) *Engine type.*

(1) Gasoline—two stroke cycle.

(2) Gasoline—four stroke cycle.

(3) Diesel—two stroke cycle.

(4) Diesel—four stroke cycle.

(5) Rotary—wankel.

(6) Turbine.

(7) Other.

(b) *Engine manufacturer.*

(c) *Engine displacement.*

(d) *Engine configuration* (e.g., L-6, V-8, etc.).

(e) *Series* (i.e., cab design) including but not limited to conventional, cab over engine, and cab forward.

(ii) Identifying the configuration within each category which emits the highest sound pressure level (dBA) based on his best technical judgment and/or emission test data;

(iii) Testing in accordance with § 205.54 of a vehicle selected in accordance with § 205.57–2 which must be a vehicle of the configuration which is identified pursuant to paragraph (c)(1)(ii) of this section as having the highest sound pressure level (estimated or actual) within the category; and

(iv) Compliance of the test vehicle with applicable standards when tested in accordance with § 205.54.

(2) Where the requirements of paragraph (c)(1) are complied with, all those configurations contained within a category are considered represented by the tested vehicle.

(3) Where the manufacturer tests a vehicle configuration which has not

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been determined as having the highest sound pressure level of a category, but all other requirements of paragraph (c)(1) of this section are complied with all those configurations contained with that category which are determined to have sound pressure levels no greater than the tested vehicle are considered to be represented by the tested vehicle, however, a manufacturer must for purposes of Testing by the Administrator and Selective Enforcement Auditing verify according to the requirements of paragraphs (b)(1) and/or (c)(1) of this section any configurations in the subject category which have a higher sound pressure level than the vehicle configuration tested.

(d) [Reserved]

(e) The manufacturer may, at his option, proceed with any of the following alternatives with respect to any vehicle determined not in compliance with applicable standards.

(1) In the case of representative testing a new test vehicle from another configuration must be selected according to the requirements of paragraph (c) of this section, in order to verify the configurations represented by the non-compliant vehicle.

(2) Modify the test vehicle and demonstrate by testing that it meets applicable standards. The manufacturer must modify all production vehicles of the same configuration in the same manner as the test vehicle before distribution into commerce.

[41 FR 15544, Apr. 13, 1976, as amended at 42 FR 61458, Dec. 5, 1977; 47 FR 57714, Dec. 28, 1982; 48 FR 27040, June 13, 1983]

### § 205.55-3 Configuration identification.

(a) A separate vehicle configuration shall be determined by each combination of the following parameters:

(1) *Exhaust system configuration.* (i) Single vertical.

(ii) Dual vertical.

(iii) Single horizontal.

(iv) Dual horizontal.

(2) *Air induction system (engine).* (i) Natural.

(ii) Turbocharged.

(3) *Fan.* (i) Diameter.

(ii) Drive.

(a) Direct.

(b) Thermostatic.

(iii) Max fan rpm.

(4) *Engine manufacturer's horsepower rating.*

(5) *Cab characteristic.* (i) Sleeper.

(ii) Non sleeper.

(6) *Category parameters listed in § 205.55-2.*

### § 205.55-4 Labeling-compliance.

(a)(1) The manufacturer of any vehicle subject to the provisions of § 205.52 shall, at the time of manufacture, affix a permanent, legible label, of the type and in the manner described below, containing the information hereinafter provided, to all such vehicles to be distributed in commerce. The labels shall be affixed in such a manner that they cannot be removed without destroying or defacing them, and shall not be affixed to any equipment which is easily detached from such vehicle.

(2) A label shall be permanently attached, in a readily visible position, in the operator's compartment.

(3) Labels for vehicles not manufactured solely for use outside the United States shall contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(i) The label heading: Vehicle Noise Emission Control Information;

(ii) Full corporate name and trademark of manufacturer;

(iii) Month and year of manufacture;

(iv) The statement:

This Vehicle Conforms to U.S. EPA Regulations for Noise Emission Applicable to Medium and Heavy Trucks.

The following acts or the causing thereof by any person are prohibited by the Noise Control Act of 1972:

(A) The removal or rendering inoperative, other than for purposes of maintenance, repair, or replacement, of any noise control device or element of design (listed in the owner's manual) incorporated into this vehicle in compliance with the Noise Control Act;

(B) The use of this vehicle after such device or element of design has been removed or rendered inoperative.

(b) Labels for vehicles manufactured solely for use outside the United States shall contain the words "For Export Only."

[41 FR 15544, Apr. 13, 1976, as amended at 42 FR 61456, 61458, Dec. 5, 1977. Redesignated at 47 FR 57715, Dec. 28, 1982]